

The Legislature of Rockland County



JAY HOOD, JR.
Legislator – District 3

Chair, Public Safety Committee

AGENDA
PUBLIC SAFETY COMMITTEE
TUESDAY, JUNE 30, 2015
6:00 PM

ROLL CALL
PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES, MEETING OF JUNE 9, 2015

1. REF. #3147 - CONFIRMING THE APPOINTMENT OF KIM U. WEPPLER, NEW YORK TO THE ROCKLAND COUNTY FIRE ADVISORY BOARD
(EDWIN J. DAY, COUNTY EXECUTIVE)
DL# 2015-02275
2. REF. #5327 - APPROVING ACCEPTANCE OF ADDITIONAL FUNDS IN THE AMOUNT OF \$30,000 (NCTD) FROM THE UNITED STATES SECRET SERVICE TO BE USED IN CONNECTION WITH THE PARTICIPATION OF THE ROCKLAND COUNTY SHERIFF'S COMPUTER CRIME UNIT IN THE NEW YORK/NEW JERSEY ELECTRONIC CRIMES TASK FORCE FOR THE FEDERAL FISCAL YEAR OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015
[OFFICE OF THE SHERIFF] (\$30,000)
(LOUIS FALCO, SHERIFF)
DL# 2015-02095
3. REF. #6704 - APPROVING INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF HAVERSTRAW TO PROVIDE DRUG MARKET INTERVENTION CASE MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000 FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY] (\$15,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-02109
4. REF. #6704 - APPROVING ACCEPTANCE OF A CONTINUATION GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES IN THE AMOUNT OF \$100,000 (NCTD) FOR THE COUNTY RE-ENTRY TASK FORCE - OFFENDER RE-ENTRY PROGRAM FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2016 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY] (\$100,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-02334

5. REF. #6675 - URGING THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND NEW YORK STATE TO REQUIRE INDIAN POINT OWNER ENTERGY TO IMPLEMENT A SYSTEM OF EMAILS, TEXT MESSAGES AND AUTOMATED PHONE CALLS TO CITIZENS WITHIN A TWENTY (20) MILE RADIUS OF INDIAN POINT IN THE EVENT OF ANY INDIAN POINT-BASED EMERGENCY THAT COULD AFFECT THE GENERAL PUBLIC
(HON. LON M. HOFSTEIN, LEGISLATURE)
LG# 2015-72

6. REF. #8142 - SETTING A DATE FOR A PUBLIC HEARING: A LOCAL LAW ALLOWING FOR "SPARKLING DEVICES," COMMONLY KNOWN AS "SPARKLERS," TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(B).
(HON. ALDEN H. WOLFE, HON. CHRISTOPHER J. CAREY, LEGISLATURE)
LG# 2015-71-PH

7. REF. #9181 - URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS A.02449B AND S.01535B, REQUIRING ALL PASSENGERS OVER THE AGE OF SIXTEEN TO WEAR SEAT BELTS IN BOTH THE FRONT AND REAR OF MOTOR VEHICLES, INCLUDING IN TAXICABS, LIVERIES, AND OTHER "FOR HIRE" VEHICLES
(HON. HARRIET D. CORNELL, LEGISLATURE)
LG# 2015-70

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of additional funds in the amount of \$30,000 from the United States Secret Service to be used in connection with the participation of the Rockland County Sheriff's Computer Crime Unit in the New York/New Jersey Electronic Crimes Task Force for the federal fiscal year October 1, 2014 through September 30, 2015, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said funds; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2015

Increase Approp. Accts (Credit):

A-SHF-3114-E5060	Program Costs	30,000
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Increase Est. Rev. Acct. (Debit):

A-SHF-3114-R4389	Federal Aid - Public Safety	30,000
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MB:lo
2015-02095
5/15/15

DRAFT

Introduced by:

Referral No.

DRAFT

**RESOLUTION NO. OF 2015
APPROVING ACCEPTANCE OF A CONTINUATION GRANT
FROM THE NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
IN THE AMOUNT OF \$100,000 (NCTD)
FOR THE COUNTY RE-ENTRY TASK FORCE -
OFFENDER RE-ENTRY PROGRAM
FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2016
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$100,000)**

WHEREAS, The County Executive and the Rockland County Legislature have been advised that the Office of the District Attorney has been awarded a continuation grant from the New York State Division of Criminal Justice Services in the amount of \$100,000 for the County Re-Entry Task Force - Offender Re-entry Program for the period July 1, 2015 through June 30, 2016; and

WHEREAS, This program is intended to reduce recidivism and increase public safety by providing the offender with assistance that promotes self-sufficiency and stability; and

WHEREAS, This program allows the Rockland County Re-Entry Task Force to identify the issues that will be faced by these offenders and their families as they return to the community; and

WHEREAS, No County tax dollars (NCTD) are required to accept said grant; and

WHEREAS, It is necessary to appropriate these funds to the proper account; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County;" and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant from the New York State Division of Criminal Justice Services in the amount of \$100,000 for the County Re-Entry Task Force - Offender Re-Entry Program for the period July 1, 2015 through June 30, 2016; and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A-DA-1165-GA37-E5060	Program Costs	100,000
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Increase Est. Rev. Acct. (Debit):

A-DA-1165-GA37-R3380	Public Safety Grant(s)	100,000
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MB:lo
2015-02334
6/4/15

Emergencies that includes emails, text messages and automated phone calls to citizens within twenty (20) miles of Indian Point; and

WHEREAS, a broad-based emergency alert system is needed to advise citizens within twenty (20) miles of Indian Point to emergencies that could affect the general public, be they catastrophic radiological events or environmental disasters such as oil spills; and

WHEREAS, the _____ Committee of the Legislature of Rockland County has met, considered and by a _____ vote approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County urges the United States Nuclear Regulatory Commission and New York State to require Indian Point owner Entergy to implement an emergency notification system of emails, text messages and automated phone calls to all citizens within a twenty (20) mile radius of the Indian Point nuclear facility; and be it further

RESOLVED, that the said emergency notification system should alert all citizens within a twenty (20) mile radius of Indian Point to any and all emergencies that could affect the general public, be they catastrophic radiological events or environmental disasters such as oil spills, and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this Resolution to Hon. Barack H. Obama, President of the United States; Dr. Ernest Moniz, Secretary of the United States Department of Energy; Stephen G. Burns, Chairman, United States Nuclear Regulatory Commission; Hon. Charles Schumer and Hon. Kirsten Gillibrand, United States Senators; Hon. Nita M. Lowey, Member of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; Hon. Andrew M. Cuomo, Governor, State of New York; Hon. David Carlucci, Hon. William J. Larkin Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Hon. Karl Brabanec, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and the New York State Assembly; Robert P. Astorino, Westchester County Executive; Steven M. Neuhaus, Orange County Executive; MaryEllen Odell, Putnam County Executive; Jeff S. Forbes, Executive Vice President, Nuclear Operations and Chief Nuclear Officer, Entergy Nuclear, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG 2015-72

JB

6/5/15

6/11/15

DRAFT

**LOCAL LAW NO. OF 2015
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe and Christopher J. Carey)

A local law allowing for "sparkling devices," commonly known as "sparklers," to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(b).

Be it enacted by the Legislature of the County of Rockland as follows:

Section 1. Name of local law

This law shall be known as "The Sparkler Act."

Section 2. Legislative intent.

The purpose of this law is to exclude "sparkling devices," commonly known as "sparklers," from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(b).

On November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141). This law amended the State Penal Law, the Executive Law and the General Business Law, placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little danger to the public, and that by labeling them dangerous only restricts business and personal enjoyment.

The Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.

In keeping with Chapter 477 of the Laws of 2014 and Penal Code Section 405, this Legislature finds and determines that "sparkling devices" may be sold and enjoyed, only in the manner described below, with certain restrictions, within Rockland County.

The Legislature finds that allowing our residents the use of safe "sparkling devices" will benefit them and our local businesses.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. COUNTY – The County of Rockland, New York.

B. SPARKLING DEVICES or SPARKLERS– ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(4) novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(a) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(b) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 4. Permissions and Restrictions

The sale and use of "sparkling devices" as defined herein is permitted with the following restrictions:

A) Sales are only permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.

B) All distributors manufacturers and retailers must be licensed though the New York Department of State.

Only those over the age of 18 may purchase said products.

Section 5. Applicability

This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair,

effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective date.

This local law shall take effect immediately after it is filed with the New York State Secretary of State.

JB
LG 2015-71-LL
6/5/14

WHEREAS, although adults make up only 21 percent of rear-seat occupants, they account for 52 percent of deaths and 60 percent of serious injuries sustained, primarily due to their lower rate of seat belt usage; and

WHEREAS, in the past thirty years, seat belts have saved more than 300,000 lives across the United States; and

WHEREAS, New York has fallen behind 28 states and the District of Columbia, which now require that all rear-seated passengers buckle up; and

WHEREAS, Bills A.02449B and S.01535B pending in the New York State Legislature would require all passengers over the age of sixteen in motor vehicles, including passengers in taxicabs, liveries and other "for hire" vehicles, to wear seat belts in all seating positions in motor vehicles, both in the front and in the rear; and

WHEREAS, the Committee has met,
considered and by a vote, approved this Resolution; now
therefore be it

RESOLVED, The Rockland County Legislature hereby urges the New York State Legislature to pass Bills A.02449B and S.01535B, requiring all passengers over the age of sixteen in both front and rear seats in motor vehicles, including taxicabs, liveries and other "for hire" vehicles, to wear seat belts; and further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this Resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci and Hon. William Larkin, New York State Senators; Hon. Kenneth P. Zebrowski, Hon. Ellen C. Jaffee, Hon. Karl A. Brabenec, and Hon. James Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; Mark R. Rosekind, Ph.D, Administrator of the National Highway Transportation Safety Administration; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

JB
LG-2015-70
6/4/15

S01535 Summary:

BILL NO S01535B
 SAME AS SAME AS
 SPONSOR DILAN
 COSPNSR AVELLA, BOYLE, CARLUCCI, SAMPSON
 MLTSPNSR

Amd S1229-c, V & T L

Provides that no person sixteen years of age or over shall be a passenger in a motor vehicle, including taxicabs, liveries and other for hire vehicles, unless such person is restrained by a safety belt approved by the commissioner of motor vehicles.

S01535 Memo:

Memo not available

S01535 Text:

STATE OF NEW YORK

1535--B

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sens. DILAN, AVELLA, BOYLE, CARLUCCI, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to mandatory seat belt use

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3, 5 and 9 of section 1229-c of the vehicle
 2 and traffic law, subdivision 3 as added by chapter 365 of the laws of
 3 1984, subdivision 5 as amended by chapter 241 of the laws of 2007 and
 4 subdivision 9 as amended by chapter 390 of the laws of 1996, are amended
 5 to read as follows:

6 3. No person shall operate a motor vehicle, INCLUDING TAXICABS,
 7 LIVERIES AND OTHER FOR HIRE VEHICLES, unless such person is restrained

10 cle, INCLUDING TAXICABS, LIVERIES AND OTHER FOR HIRE VEHICLES, unless
11 such person is restrained by a safety belt approved by the commissioner.
12 5. Any person who violates the provisions of subdivision three of this
13 section shall be punished by a civil fine of up to fifty dollars. A
14 POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION OF SUBDIVISION
15 THREE OF THIS SECTION BY A PERSON LESS THAN EIGHTEEN YEARS OLD TO THE
16 PARENT OR GUARDIAN OF SUCH PERSON IF THE VIOLATION BY SUCH PERSON OCCURS
17 IN THE PRESENCE OF SUCH PERSON'S PARENT OR GUARDIAN AND WHERE SUCH
18 PARENT OR GUARDIAN IS EIGHTEEN YEARS OF AGE OR OLDER. NO PERSON OPERAT-
19 ING A TAXICAB OR FOR HIRE VEHICLE SHALL BE SUBJECT TO A CIVIL FINE FOR
20 THE FAILURE OF A PASSENGER TO COMPLY WITH THE PROVISIONS OF SUBDIVISION
21 THREE OF THIS SECTION. Any person who violates the provisions of subdi-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD05942-04-5

S. 1535--B

2

1 vision one, two, eleven or thirteen of this section shall be punished by
2 a civil fine of not less than twenty-five nor more than one hundred
3 dollars. In any prosecution or proceeding alleging a violation of para-
4 graph (b) of subdivision one or paragraph (c) of subdivision two of this
5 section, it shall be an affirmative defense that the passenger subject
6 to the requirements of such paragraphs was restrained by a safety belt
7 and measures more than four feet nine inches in height and/or weighs
8 more than one hundred pounds.

9 9. Notwithstanding the provisions of subdivision four AND EXCEPT AS
10 PROVIDED FOR IN SUBDIVISIONS THREE AND FIVE, this section shall not
11 apply to taxis, liveries, and buses other than school buses.

12 S 2. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.